

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH SAFDIEH,

Plaintiff,

- against -

CITIBANK, N.A. and HSBC BANK USA, N.A.,

Defendants.  
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**REPLY TO**  
**COUNTERCLAIMS**

Case No.: 20-CV-3073  
(CBA) (SJB)

Plaintiff, JOSEPH SAFDIEH (hereinafter “Plaintiff”), by and through his attorneys,  
LAW OFFICE OF SAMUEL KATZ, PLLC, as and for his Reply with affirmative defenses to  
Counterclaims asserted by Defendant CITIBANK, N.A. in its Verified Answer With  
Counterclaims (hereinafter “the Answer”), alleges and states as follows:

**FIRST COUNTERCLAIM**

1. Plaintiff lacks knowledge or information sufficient to deny or admit the allegations set forth in paragraph “29” of the Answer and therefore neither admits nor denies the allegations set forth in paragraph “29” of the Answer.
2. Plaintiff admits the allegations set forth in paragraph “30” of the Answer.
3. Plaintiff admits the allegations set forth in paragraph “31” of the Answer.
4. Plaintiff lacks knowledge or information sufficient to deny or admit the allegations set forth in paragraph “32” of the Answer and therefore neither admits nor denies the allegations set forth in paragraph “32” of the Answer.
5. Plaintiff denies the allegations set forth in paragraph “33” of the Answer except admits that he withdrew \$125,864.85 from the Safdieh Account.

6. Plaintiff lacks knowledge or information sufficient to deny or admit the allegations set forth in paragraph “34” of the Answer and therefore neither admits nor denies the allegations set forth in paragraph “34” of the Answer.

7. Plaintiff denies the allegations set forth in paragraph “35” of the Answer.

8. Plaintiff denies the allegations set forth in paragraph “36” of the Answer.

9. Plaintiff denies the allegations set forth in paragraph “37” of the Answer.

### **SECOND COUNTERCLAIM**

10. Plaintiff repeats and realleges each and every response set forth in paragraphs “1” thorough “9” above with the same force and effect as if herein set forth at length.

11. Plaintiff denies the allegations set forth in paragraph “39” of the Answer.

### **THIRD COUNTERCLAIM**

12. Plaintiff repeats and realleges each and every response set forth in paragraphs “1” thorough “11” above with the same force and effect as if herein set forth at length.

13. The allegations set forth in paragraph “41” of the Answer do not state any allegations against Plaintiff and, therefore, does not require a response from Plaintiff. To the extent Plaintiff’s response is required, Plaintiff denies the allegations set forth in paragraph “41” of the Answer.

14. Plaintiff denies the allegations set forth in paragraph “42” of the Answer.

15. Plaintiff denies the allegations set forth in paragraph “43” of the Answer.

16. Plaintiff denies the allegations set forth in paragraph “44” of the Answer.

### **AS AND FOR PLAINTIFF’S FIRST AFFIRMATIVE DEFENSE**

17. The Counterclaims fail to state a cause of action upon which relief may be granted. Accordingly, the Counterclaims should be dismissed.

**AS AND FOR PLAINTIFF'S SECOND AFFIRMATIVE DEFENSE**

18. The Counterclaims are barred by the statute of limitations.

**AS AND FOR PLAINTIFF'S THIRD AFFIRMATIVE DEFENSE**

19. The Defendant failed to mitigate its alleged damages.

**AS AND FOR PLAINTIFF'S FOURTH AFFIRMATIVE DEFENSE**

20. The Counterclaims are barred in whole or in part by the doctrines of estoppel, laches and waiver.

**AS AND FOR PLAINTIFF'S FIFTH AFFIRMATIVE DEFENSE**

21. The Counterclaims are barred in whole or in part by the doctrine of unclean hands.

**AS AND FOR PLAINTIFF'S SIXTH AFFIRMATIVE DEFENSE**

22. Any damages sustained by the Defendant is the result of their own conduct.

**WHEREFORE**, Plaintiff demands judgment against the Defendant dismissing the counterclaims, and for such other and further relief as it deems just and proper.

Dated: Brooklyn, New York  
August 7, 2020

Yours, etc.,

/s/ Samuel Katz  
**LAW OFFICE OF SAMUEL KATZ, PLLC**  
Samuel Katz, Esq.  
4533 16<sup>th</sup> Avenue  
Brooklyn, NY 11204  
Tel. (347) 396-3488  
Fax (347) 396-9622  
[sk@samkatzlaw.com](mailto:sk@samkatzlaw.com)  
*Attorneys for Plaintiff*